

Appl. No. 09/912,784
Amdt. dated April 24, 2006
Reply to Office action of February 10, 2006

REMARKS/ARGUMENTS

Applicants have received the Office action dated February 10, 2006, in which the Examiner: 1) rejected claims 17, 21, 24-30, 32, 34, 36-38, 40, 44-50 and 53-55 as obvious over Allegedly Admitted Related Art (AARA) in view of Ishigaki et al. (U.S. Pat. No. 6,443,927, hereinafter "Ishigaki"); 2) rejected claims 18-20, 31, 33, 39, 41-43 and 51-52 as obvious over AARA and Ishigaki in view of "what was well known in the art"; and 3) rejected claims 22-23 as obvious over AARA and Ishigaki in view of "Sporty's JD-200 Transceiver Operator's Manual" (hereinafter "Sporty").

With this Response, Applicants amend claim 48 to correct a grammatical shortcoming. No new matter is added.

I. FINALITY OF THE OFFICE ACTION FEBRUARY 10, 2006

The PTO Form PTOL-326 Office Action Summary indicates that the Office action of February 10, 2006 is non-final. Moreover, the private PAIR system indicates that the Office action of February 10, 2006 is non-final (copy attached). Thus, in spite of the recitations in the first numbered paragraph of the Office action, Applicants treat the February 10, 2006 Office action as non-final.

II. ART-BASED REJECTION

A. AARA & Ishigaki Rejections

Claims 17, 21, 24-30, 32, 34, 36-38, 40, 44-50 and 53-55 stand rejected as allegedly obvious over AARA in view of Ishigaki.

1. AARA and Ishigaki are not properly combined.

Applicants respectfully submit that AARA and Ishigaki are not properly combined. With regard to combining references, the Manual of Patent Examining Procedures (MPEP) provides the following guidance:

THE PROPOSED MODIFICATION CANNOT RENDER THE PRIOR ART UNSATISFACTORY FOR ITS INTENDED PURPOSE

If the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. ...

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**THE PROPOSED MODIFICATION CANNOT CHANGE THE
PRINCIPLE OF OPERATION OF A REFERENCE**

If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teaching of the references are not sufficient to render the claims *prima facie* obvious.

(MPEP 8th Ed. Rev. 2, May 2004, § 2143.01, pp 2100-131, 132 (emphasis original)).

Applicants respectfully submit that AARA and Ishigaki are not properly combined. In particular, AARA is directed to a computer system which performs searches for Internet access **when the computer system is powered-on** and operational. Ishigaki is directed to a device that periodically determines its location by way of a position measuring means. Considering the periodically powered position measuring means of Ishigaki with AARA changes the principle of operation of AARA of performing Internet searches while the computer system is powered-on. Moreover, if the wireless communication device of AARA is replaced by Ishigaki's **position** measuring means, then AARA is rendered unsatisfactory for its intended purpose.

For these reasons alone, the rejections should be withdrawn and the claims set for issue.

**2. AARA and Ishigaki do not teach all
the claimed limitations.**

Ishigaki is directed to a position information system. (Ishigaki Title). In particular, Ishigaki discloses a system where a position measuring means (such as a GPS receiver) and a communication means (such as a cellular telephone) are combined in an apparatus, and where the time that the position measuring means is in operation is shortened to reduce power consumption. (Ishigaki Abstract). In some embodiments of Ishigaki, the GPS receiver is powered only when buttons are pressed on the cellular telephone. (Ishigaki Col. 4, lines 23-29; Figures 1 and 5). However, the remaining portions of the Ishigaki system appear to be powered-on, as the communications means reports the position either immediately, or upon receipt of a message from an external device.

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The communications means 3 retains the current position. **When access is made to the communications means 3 from the outside, the communications means 3 sends the current position** to the outside by way of the communications antenna 3a. **Alternatively, upon receipt of the current position from the control section 2, the communications means 3 automatically dials a predetermined number, to thereby transmit the current position to the outside.**

(Ishigaki Col. 4, lines 15-22 (emphasis added)). Thus, the communication means of the Ishigaki phone is powered-on, as the communication means either sends the position message immediately, or sends once the phone senses a message coming from the outside. If the communication means of Ishigaki were not powered-on: the position measuring means could not deliver the current position to the communication means; the communication means would be unable to send the current position; and the communication means would be unable to sense the outside access.

Claim 17, by contrast, specifically recites, "a radio module that scans for available wireless access points which support two-way data communications... wherein the radio module scans for available wireless access points, and indicates the availability... both while the computer system is powered off." Applicants respectfully submit that AARA and Ishigaki do not teach or suggest such a system. With respect to the alleged teaching of Applicants' Background section, Applicants specifically recite:

[I]n the prior art, scanning for available wireless access points requires the notebook computer to be powered-on and fully operational.

(Applicants' Background, Paragraph [0007]). Clearly AARA does not teach a radio module with the recited capabilities. Ishigaki's GPS receiver appears to be powered only when buttons are pressed on the cellular telephone; however, the remaining portions of the Ishigaki system appear to be powered-on as discussed above. Thus, even if hypothetically AARA and Ishigaki are considered together (which Applicants do not admit is proper), the references still fail to teach "wherein the radio module **scans for available wireless access points...while**

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the computer system is powered off." Moreover, the references fail to teach "a radio module that ... **indicates the availability...** while the computer system is powered off." To the extent Ishigaki's sending coordinates is an indication (which Applicants do not admit), **the sending is not "while the computer system is powered off."** Applicants respectfully submit that claim 17, and all claims which depend from claim 17 (claims 18-21 and 24-25), should be allowed. Applicants amend claim 17 to recite elements that remain powered off to more clearly device over Ishigaki.

Claim 26 specifically recites, "scanning for available wireless access points which support two-way data communication, the scanning with a wireless communication module of the portable computing device while remaining portions of the computing device are powered-off; and indicating the availability of wireless access points while the remaining portions of the computing device are powered-off." Even if hypothetically AARA and Ishigaki are considered together (which Applicants do not admit is proper) the references still fail to teach "scanning with a wireless communication module of the portable computing device while remaining portions of the computing device are powered-off." Moreover, the references fail to teach "a radio module that ... **indicates the availability...** while the computer system is powered-off." To the extent Ishigaki's sending coordinates is an indication (which Applicants do not admit), **the sending is not "indicating the availability of wireless access points while the remaining portions of the computing device are powered-off."** Applicants respectfully submit that claim 26, and all claims which depend from claim 26 (claims 27-31), should be allowed.

Claim 32 specifically recites, "a wireless communication module coupled to the seek logic and the first power supply, wherein the first power supply powers the wireless communication module, and wherein the seek logic enables the wireless communication module to perform seeking for wireless access points for network data communications, the seeking responsive to assertion of the seek request button... ." If Ishigaki's position measuring means is the claimed wireless communication module, then AARA and Ishigaki fall short because in Ishigaki's

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fifth embodiment (cited by the Office action), the position measuring means is not used. (Ishigaki Col. 6, lines 10-12). On the other hand, if Ishigaki's communication means is the claimed wireless communication module, then AARA and Ishigaki fall short as the seeking is not "responsive to assertion of the seek request button." Applicants respectfully submit that claim 32, and all claims which depend from claim 32 (claims 33 and 34), should be allowed. Applicants amend claim 32 to recite elements that remain powered off to more clearly device over Ishigaki.

Claim 36 specifically recites, "a means for wireless network access which supports two-way data communications; ... wherein the first means for powering powers substantially only the means for wireless network access, and wherein the means for controlling enables the means for wireless network access to perform a seek for wireless access points responsive to assertion means for activating." Even if hypothetically AARA and Ishigaki are considered together (which Applicants do not admit is proper), the references still fail to teach "wherein the first means for powering powers substantially only the means for wireless network access." In AARA the entire computer system is powered on, and in Ishigaki the communication means is powered on so that the position data can be forwarded. Applicants respectfully submit that claim 36, and all claims which depend from claim 36 (claims 37 and 44), should be allowed. Applicants amend claim 36 to recite elements that remain powered off to more clearly device over Ishigaki.

Claim 40 specifically recites, "a wireless communication module coupled to the seek request button, and wherein the wireless communication module seeks for availability of a wireless connection to the Internet for a computer, the seeking responsive to assertion of the seek request button;...a notification device coupled to the wireless communication module, wherein the notification device indicates the availability of a wireless access point." Even if hypothetically AARA and Ishigaki are considered together (which Applicants do not admit is proper), the references still fail to teach "a wireless communication module coupled to the seek request button, and wherein the wireless communication module seeks for

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availability of a wireless connection to the Internet for a computer, the seeking responsive to assertion of the seek request button." Moreover, the references fail to teach "a notification device coupled to the wireless communication module, wherein the notification device indicates the availability of a wireless access point." To the extent Ishigaki's sending coordinates is notification (which Applicants do not admit), the sending is not "a notification device coupled to the wireless communication module, wherein the notification device indicates the availability of a wireless access point." Applicants respectfully submit that claim 40, and all claims which depend from claim 40 (claims 41-44), should be allowed.

Claim 45 specifically recites, "a wireless communication module which supports two-way data communication, the wireless communication module coupled to the mobile computing system; ... wherein the wireless communication module, when commanded by a user actuating the seek enable button and while the mobile computing system is powered-off, scans for availability of wireless access to a network; and wherein the wireless communication module informs the user of availability of wireless access points while the mobile device is powered-off." Even if hypothetically AARA and Ishigaki are considered together (which Applicants do not admit is proper), the references still fail to teach "the wireless communication module, when commanded by a user actuating the seek enable button and while the mobile computing system is powered-off, scans for availability of wireless access to a network." Moreover, the references fail to teach "wherein the wireless communication module informs the user of availability of wireless access points while the mobile device is powered-off." To the extent Ishigaki's sending coordinates is "informing the user" (which Applicants do not admit), **the sending is not informing "the user of availability of wireless access points while the mobile device is powered-off."** Applicants respectfully submit that claim 45, and all claims which depend from claim 45 (claims 46-48), should be allowed.

Claim 49 specifically recites, "accepting a command from a user of a powered-off mobile computing device to perform a search for wireless network

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availability; and thereafter performing a search for wireless network availability which supports two-way data communications, the performing by a wireless communication module of the mobile computing device, and the performing while the mobile computing device is powered-off; and informing the user of an outcome of the performing, the informing while the mobile computing device is powered-off." Even if hypothetically AARA and Ishigaki are considered together (which Applicants do not admit is proper), the references still fail to teach "performing a search for wireless network availability which supports two-way data communications, the performing by a wireless communication module of the mobile computing device, and the performing while the mobile computing device is powered-off." Moreover, the references fail to teach "informing the user of an outcome of the performing, the informing while the mobile computing device is powered-off." To the extent Ishigaki's sending coordinates is "informing the user" (which Applicants do not admit), **the sending is not "informing the user of an outcome of the performing, the informing while the mobile computing device is powered-off."** Applicants respectfully submit that claim 49, and all claims which depend from claim 49 (claims 50-53), should be allowed.

Claim 54 specifically recites, "wherein the seek logic commands the power supply to power the radio module responsive to the actuation of the electrical switch; and wherein the radio module scans for available wireless access points, and indicates the availability of a wireless access point, both before an operating system of the computer system is booted." Even if hypothetically AARA and Ishigaki are considered together (which Applicants do not admit is proper), the references still fail to teach "wherein the radio module scans for available wireless access points ... before an operating system of the computer system is booted." Moreover, the references fail to teach "wherein the radio module ... indicates the availability of a wireless access point ... before an operating system of the computer system is booted." To the extent Ishigaki's sending coordinates "indicates the availability" (which Applicants do not admit), **the sending is indicating "the availability of a wireless access point ... before an operating**

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system of the computer system is booted." Applicants respectfully submit that claim 49, and claim 55 which depends from claim 54, should be allowed.

B. AARA, Ishigaki & Sporty Rejections

Claims 22 and 23 stand rejected as allegedly obvious over AARA, Ishigaki and Sporty.

The Sporty reference teaches, "To automatically search the entire COMM frequency range for a broadcasting signal, the Up Key or Down Key **may be pressed and held for one second**. ... The Search may be cancelled at any time by pressing the Clear Key." (Sporty p. 2, 3rd and 6th full paragraphs).

Claim 22, by contrast, specifically recites, "wherein the seek logic commands the power supply to power the radio module responsive to the actuation of the electrical switch, the command only when the computer system is powered-off, and the command for the same amount of time that the electrical switch is activated, thus requiring the user to hold electrical switch in the actuated position during a seek period of the media access controller." Even if the teachings of AARA and Ishigaki are precisely as the Office action suggests (which Applicants do not admit is proper), the references still fail to teach all the limitations of claim 22. In particular, in Sporty a button is pressed and held **for one second** to initiate a Search. The Search clearly extends beyond the one second period, as the reference provides for pressing the Clear Key to stop the search. Thus, the references fail to teach or suggest "the command for the same amount of time that the electrical switch is activated, thus requiring the user to hold electrical switch in the actuated position during a seek period of the media access controller."

Based on the foregoing, Applicants respectfully submit that claim 22, and claims 23 which depends from claim 22, should be allowed.

III. CONCLUSION

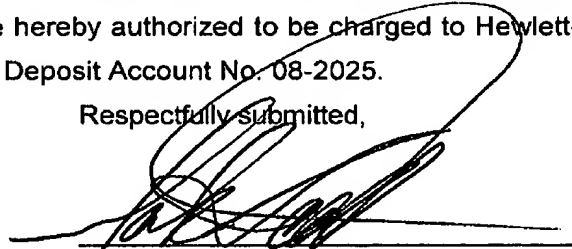
In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as

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a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,



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Date	Transaction Description
03-23-2006	Case Docketed to Examiner in GAU
02-10-2006	Mail Non-Final Rejection
02-02-2006	Non-Final Rejection
02-05-2005	Date Forwarded to Examiner
01-18-2005	Response after Non-Final Action
09-19-2005	Mail Non-Final Rejection
09-15-2005	Non-Final Rejection
09-09-2005	Date Forwarded to Examiner
09-09-2005	Date Forwarded to Examiner
08-31-2005	Request for Continued Examination (RCE)
09-09-2005	DISPOSAL FOR A RCE/CRA/129 (express abandonment)
08-31-2005	Workflow - Request for RCE - Begin
06-02-2005	Mail Final Rejection (PTOL - 326)
05-26-2005	Final Rejection
03-04-2005	Date Forwarded to Examiner
02-01-2005	Response after Non-Final Action
03-04-2005	Correspondence Address Change
01-09-2004	Mail Non-Final Rejection
01-01-2004	Non-Final Rejection
09-17-2004	Case Docketed to Examiner in GAU
06-22-2004	IPW TSS Processing by Tech Center Complete
07-21-2003	Case Docketed to Examiner in GAU
02-07-2002	New or Additional Drawing Filed
03-20-2002	Case Docketed to Examiner in GAU
09-17-2001	Transfer Inquiry
08-31-2001	Application Dispatched from OIPE
08-31-2001	Correspondence Address Change
08-02-2001	IPW Scan & PACR Auto Security Review
07-25-2001	Initial Exam Team m:

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